

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

<b>ASSOCIATED RECOVERY, LLC,</b>	§	
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>Civil Action No. 2:16-cv-126-JRG-RSP</b>
	§	
<b>LINDA BUTCHER, et. al.,</b>	§	
	§	
<b>Defendants.</b>	§	
	§	

**ALANSIS.COM, INC.’s MOTION TO DISMISS OR,  
IN THE ALTERNATIVE, MOTION TO TRANSFER**

Alansis.com, Inc. files this Motion and moves the Court to dismiss Plaintiff’s Amended Complaint with prejudice under Rule 12(b) or, in the alternative, transfer this case to the Northern District of Texas for the same reasons set forth in the motions to dismiss previously filed by numerous defendants. (*See*, Dkt. No. 52, 66, 73, 89, and 94). For the convenience of the Court, Alansis.com hereby incorporates all of the applicable arguments in those motions, and their respective reply briefs, as if pled in this motion. Alansis.com specifically joins in the Defendants’ Consolidated Motion to Dismiss or, in the alternative, Motion to Transfer (Dkt 94, the “Consolidated Motion”) and Reply in Support of the Consolidated Motion (Dkt. 108).

The gravamen of this case is the claim that the “Northern District of Texas issued numerous orders permitting the receivership to sell the Subject Domain Names (“Domain Sales”).” (Amend. Compl. at ¶ 82 Dkt. 15). The question of whether the Plaintiff has the right to the relief it has requested is a question for the Northern District of Texas Case No. 3-09-cv-00988 or the Fifth Circuit Court of Appeals in an appeal from that Northern District case. Whether that court improperly placed the Subject Domain Names, and other domain names,

under the control of a receivership in that case is simply not a proper controversy for a parallel case in another district. If these orders were improper, the only remedy should be an appeal of those orders. But the plaintiff in that case did not appeal. Therefore since the original plaintiff did not appeal, the Plaintiff in this case—the alleged successor in interest to the plaintiff in the Northern District Case No. 3-09-cv-00988—is bound by its predecessor in interest’s decision not to appeal.

Alansis.com agrees that Plaintiff has failed to state a claim upon which relief can be granted; that those claims are barred by the applicable statute of limitations; that the Plaintiff lacks standing; has failed to join necessary parties to this action; and has selected an improper venue. Alansis.com also agrees that, in the alternative, the Court should transfer this action to the Dallas Division of the United States District Court for the Northern District of Texas. For these reasons and all of the reasons articulated by the Consolidated Motion and Defendants’ Reply in Support of the Consolidated Motion (Rec. Doc. 108), the Court should dismiss with prejudice all claims against Alansis.com.

Respectfully submitted,

/s/ Brian Casper  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2016, this document was electronically filed with the Clerk of Court using the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Brian Casper

Brian Casper